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FM AMEMBASSY MANILA  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1146  
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS IMMEDIATE  
RHHMUNA/CDRUSPACOM HONOLULU HI IMMEDIATE  
RUEAWJB/DEPT OF JUSTICE WASHINGTON DC IMMEDIATE  
RUEHC/DEPT OF LABOR WASHDC IMMEDIATE

UNCLAS SECTION 01 OF 02 MANILA 001563

SIPDIS

STATE FOR G/TIP, EAP/MTS, EAP/RSP, INL, DRL  
LABOR FOR ILAB  
JUSTICE FOR CRIMINAL DIVISION  
STATE PASS TO USAID

E.O. 12958: N/A  
TAGS: [PHUM](#) [KCRM](#) [KWMN](#) [EAID](#) [RP](#)  
SUBJECT: FIRST TRAFFICKING IN PERSONS CONVICTION IN 2008

REF: A. MANILA 539 (2008 TIP REPORT)  
[1](#)B. 07 MANILA 2459 (LATEST TIP CONVICTION)  
[1](#)C. 07 MANILA 1054 (PROSECUTING TIP OFFENDERS)

[1](#)1. SUMMARY: On June 30, a regional trial court in Batangas City convicted and sentenced a human trafficker to life imprisonment. The trial judge also fined the defendant 20 million pesos (USD 446,000) in criminal penalties and ordered her to pay 100,000 pesos (USD 2,230) in civil damages to the two victim complainants. The trafficker, who is the ninth person to be convicted and sentenced to prison under the 2003 Anti-Trafficking in Persons Law, had recruited seven females, including three minors, to work as "entertainers" in a brothel only a few hours south of Metro Manila. The case is especially notable because the victims were intercepted prior to their arrival in the brothel and, for the first time, prosecutors were able to win a conviction by proving the defendant's "intent to exploit" the victims. Two U.S. Government-funded NGOs who helped prosecute the case, International Justice Mission (IJM) and Visayan Forum Foundation (VFF), celebrated the conviction, which was more than three years in the making. END SUMMARY.

#### BATANGAS COURT CONVICTS TRAFFICKER

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[1](#)2. On June 30, a regional trial court in Batangas City convicted Nelia Olegasco for "qualified trafficking" and sentenced her to life imprisonment. (Under the 2003 Anti-TIP Law, cases involving criminal syndicates or the trafficking of minors are considered "qualified trafficking," a charge that carries stiffer penalties, including life imprisonment.) The judge also fined the defendant 20 million pesos (USD 446,000) in criminal penalties and ordered her to pay 100,000 pesos (USD 2,230) to the two cooperating victim-witnesses for "moral damages." Olegasco is the ninth person to be convicted and sentenced to prison under the 2003 Anti-Trafficking in Persons Law.

[1](#)3. In early 2005, Olegasco recruited seven young women from Metro Manila, including three minors aged 15 and 16, to work as "entertainers" in the coastal resort town of Sabang Beach, Puerto Galera, a well known sex tourism destination in the province of Mindoro Oriental. On March 3, 2005, the girls departed Quezon City with their recruiter and arrived at the Batangas City Port to board a ferry to Puerto Galera. A Batangas port security official, who had been trained on TIP victim identification by VFF, interviewed the young women and determined that the seven had been recruited to work as prostitutes. The recruiter was immediately arrested, and the victims were referred to VFF for counseling and victim support services at VFF's Batangas Port halfway house. On March 7, a Batangas City prosecutor filed criminal charges of

qualified trafficking against Olegasco. The case then slowly moved through the overburdened Philippine court system for more than three years before the June 30 guilty ruling.

14. This conviction, the first in 2008, also has significant legal ramifications: it is the first trafficking case in the Philippines in which the defendant was convicted based on an "intent to exploit" victims. Prior convictions have been largely based on the testimony of victims rescued from exploitative and abusive situations. Many Philippine lawyers have previously noted the difficulty of proving in court a trafficker's "intent to exploit," particularly in cases where the victims are intercepted while in transit. In this landmark case, prosecutors, utilizing the evidence gathered by well-trained investigators, were able to successfully illustrate the defendant's intent to abuse and exploit her victims.

#### TWO USG GRANTEES PLAY KEY ROLES

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15. An attorney with the International Justice Mission (IJM), an NGO grantee of the State Department's Trafficking in Persons Office (G/TIP), worked alongside the Batangas public prosecutor throughout the case. IJM attorneys serve as "private prosecutors," deputized by the public prosecutor to move the case through the judicial process while serving as the legal counsel for the victims. Following a successful case in Cebu in 2007, this Batangas conviction is the second TIP case handled by IJM attorneys that resulted in conviction. IJM's Manila office currently has 16 ongoing TIP trials, with an additional 15 cases the remain under

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pre-trial investigation at the Department of Justice.

16. Visayan Forum Foundation, a Department of State and USAID grant recipient that manages shelters for trafficking victims throughout the country, provided significant support and shelter for the victims throughout this case. Victim cooperation throughout the judicial process has been a critical component to the successful TIP convictions so far in the Philippines, and VFF's USG-supported services help to ensure that the victims who are pursuing cases remain cooperative throughout the investigation and prosecution. Through VFF's outreach program at its Batangas City Port halfway house, VFF staff had previously conducted training to educate government and private sector port employees on how to identify and respond to potential trafficking victims. The recent Batangas conviction demonstrates how VFF's innovative approach has had a substantive impact on the ability of Philippine government agencies to intercept victims and successfully investigate and prosecute trafficking cases.

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